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OCT 13 2009

**OFFICE OF PETITIONS**

In re Application of :  
Jurgen HORN :  
Application No. 10/623,241 : DECISION ON PETITION  
Filed: July 18, 2003 :  
Attorney Docket No. 100723-14 / BEIL :  
WOLFF 29 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 10, 2008 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before May 14, 2008, as required by the Notice of Allowance and Fee(s) Due, February 14, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,440.00 and publication fee of \$300.00; (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Office of Data Management.



Michelle R. Eason  
Paralegal Specialist  
Office of Petitions